

HOUSE BILL 1413

B1, P5

CONSTITUTIONAL AMENDMENT

2lr3190

By: **Delegates Eckardt and Frank**

Introduced and read first time: February 28, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Operating Budget – Budget Reconciliation – Requirement for Separate Bills**

3 FOR the purpose of proposing an amendment to the Maryland Constitution
4 prohibiting the General Assembly from enacting certain omnibus bills;
5 clarifying that the General Assembly may enact omnibus curative or corrective
6 legislation; providing that this amendment does not relieve the General
7 Assembly of certain restrictions governing appropriation measures; requiring
8 the Governor to submit to the General Assembly a separate bill for each item in
9 the Budget that requires an action of the General Assembly in addition to the
10 Budget Bill; requiring the General Assembly to pass a separate bill for each
11 item in the Budget that requires an action of the General Assembly in addition
12 to the Budget Bill; and submitting this amendment to the qualified voters of the
13 State for their adoption or rejection.

14 BY proposing an amendment to the Maryland Constitution
15 Article III – Legislative Department
16 Section 29 and 52

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
19 concurring), That it be proposed that the Maryland Constitution read as follows:

20 **Article III – Legislative Department**

21 29.

22 The style of all Laws of this State shall be, “Be it enacted by the General
23 Assembly of Maryland.” and all Laws shall be passed by original bill; and every Law
24 enacted by the General Assembly shall embrace but one subject, and that shall be
25 described in its title; and no Law, nor section of Law, shall be revived, or amended by
26 reference to its title, or section only; nor shall any Law be construed by reason of its

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 title, to grant powers, or confer rights which are not expressly contained in the body of
2 the Act; **NOR SHALL THE GENERAL ASSEMBLY ENACT AN OMNIBUS BILL, OTHER**
3 **THAN THE BUDGET BILL, THAT EMBRACES MORE THAN ONE BUDGET ITEM THAT**
4 **WOULD REQUIRE AN ACTION OF THE GENERAL ASSEMBLY IN ADDITION TO THE**
5 **BUDGET BILL;** and it shall be the duty of the General Assembly, in amending any
6 article, or section of the Code of Laws of this State, to enact the same, as the said
7 article, or section would read when amended. And whenever the General Assembly
8 shall enact any Public General Law, not amendatory of any section, or article in the
9 said Code, it shall be the duty of the General Assembly to enact the same, in articles
10 and sections, in the same manner, as the Code is arranged, and to provide for the
11 publication of all additions and alterations, which may be made to the said Code.
12 **NOTHING IN THIS SECTION SHALL PROHIBIT OMNIBUS CURATIVE OR**
13 **CORRECTIVE LEGISLATION OR AFFECT THE DUTY OF THE GENERAL ASSEMBLY**
14 **TO COMPLY WITH SECTION 52(8)(A) OF THIS ARTICLE.**

15 52.

16 (1) The General Assembly shall not appropriate any money out of the
17 Treasury except in accordance with the provisions of this section.

18 (2) Every appropriation bill shall be either a Budget Bill, or a Supplementary
19 Appropriation Bill, as hereinafter provided.

20 (3) On the third Wednesday in January in each year, (except in the case of a
21 newly elected Governor, and then not later than ten days after the convening of the
22 General Assembly), unless such time shall be extended by the General Assembly, the
23 Governor shall submit to the General Assembly a Budget for the next ensuing fiscal
24 year. Each Budget shall contain a complete plan of proposed expenditures and
25 estimated revenues for said fiscal year and shall show the estimated surplus or deficit
26 of revenues at the end of the preceding fiscal year. Accompanying each Budget shall be
27 a statement showing: (a) the revenues and expenditures for the preceding fiscal year;
28 (b) the current assets, liabilities, reserves and surplus or deficit of the State; (c) the
29 debts and funds of the State; (d) an estimate of the State's financial condition as of the
30 beginning and end of the preceding fiscal year; (e) any explanation the Governor may
31 desire to make as to the important features of the Budget and any suggestions as to
32 methods for reduction or increase of the State's revenue.

33 **(3A) IF THE BUDGET SUBMITTED BY THE GOVERNOR TO THE GENERAL**
34 **ASSEMBLY INCLUDES ITEMS THAT REQUIRE AN ACTION BY THE GENERAL**
35 **ASSEMBLY IN ADDITION TO ACTION ON THE BUDGET BILL, THE GOVERNOR**
36 **SHALL SUBMIT TO THE GENERAL ASSEMBLY A SEPARATE BILL FOR EACH ITEM**
37 **IN THE BUDGET THAT REQUIRES AN ACTION OF THE GENERAL ASSEMBLY IN**
38 **ADDITION TO THE BUDGET BILL.**

39 (4) Each Budget shall embrace an estimate of all appropriations in such form
40 and detail as the Governor shall determine or as may be prescribed by law, as follows:

1 (a) for the General Assembly as certified to the Governor in the manner hereinafter
2 provided; (b) for the Executive Department; (c) for the Judiciary Department, as
3 provided by law, as certified to the Governor; (d) to pay and discharge the principal
4 and interest of the debt of the State in conformity with Section 34 of Article III of the
5 Constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by
6 the State and under the Constitution and laws of the State; (f) for the establishment
7 and maintenance throughout the State of a thorough and efficient system of public
8 schools in conformity with Article 8 of the Constitution and with the laws of the State;
9 and (g) for such other purposes as are set forth in the Constitution or laws of the State.

10 (5) The Governor shall deliver to the presiding officer of each House the
11 Budget and a bill for all the proposed appropriations of the Budget classified and in
12 such form and detail as he shall determine or as may be prescribed by law; and the
13 presiding officer of each House shall promptly cause said bill to be introduced therein,
14 and such bill shall be known as the "Budget Bill." The Governor may, with the consent
15 of the General Assembly, before final action thereon by the General Assembly, amend
16 or supplement said Budget to correct an oversight, provide funds contingent on
17 passage of pending legislation or, in case of an emergency, by delivering such an
18 amendment or supplement to the presiding officers of both Houses; and such
19 amendment or supplement shall thereby become a part of said Budget Bill as an
20 addition to the items of said bill or as a modification of or a substitute for any item of
21 said bill such amendment or supplement may affect.

22 (5a) The Budget and the Budget Bill as submitted by the Governor to the
23 General Assembly shall have a figure for the total of all proposed appropriations and a
24 figure for the total of all estimated revenues available to pay the appropriations, and
25 the figure for total proposed appropriations shall not exceed the figure for total
26 estimated revenues. Neither the Governor in submitting an amendment or
27 supplement to the Budget Bill nor the General Assembly in amending the Budget Bill
28 shall thereby cause the figure for total proposed appropriations to exceed the figure for
29 total estimated revenues, including any revisions, and in the Budget Bill as enacted
30 the figure for total estimated revenues always shall be equal to or exceed the figure for
31 total appropriations.

32 (6) The General Assembly shall not amend the Budget Bill so as to affect
33 either the obligations of the State under Section 34 of Article III of the Constitution, or
34 the provisions made by the laws of the State for the establishment and maintenance of
35 a system of public schools or the payment of any salaries required to be paid by the
36 State of Maryland by the Constitution thereof; and the General Assembly may amend
37 the bill by increasing or diminishing the items therein relating to the General
38 Assembly, and by increasing or diminishing the items therein relating to the judiciary,
39 but except as hereinbefore specified, may not alter the said bill except to strike out or
40 reduce items therein, provided, however, that the salary or compensation of any public
41 officer shall not be decreased during his term of office; and such bill, when and as
42 passed by both Houses, shall be a law immediately without further action by the
43 Governor.

1 **(6A) IF THE BUDGET AS AMENDED AND PASSED BY THE GENERAL**
2 **ASSEMBLY INCLUDES ITEMS THAT REQUIRE AN ACTION BY THE GENERAL**
3 **ASSEMBLY IN ADDITION TO ACTION ON THE BUDGET BILL, THE GENERAL**
4 **ASSEMBLY SHALL PASS A SEPARATE BILL FOR EACH ITEM IN THE BUDGET THAT**
5 **REQUIRES AN ACTION OF THE GENERAL ASSEMBLY IN ADDITION TO THE**
6 **BUDGET BILL.**

7 (7) The Governor and such representatives of the executive departments,
8 boards, officers and commissions of the State expending or applying for State's
9 moneys, as have been designated by the Governor for this purpose, shall have the
10 right, and when requested by either House of the General Assembly, it shall be their
11 duty to appear and be heard with respect to any Budget Bill during the consideration
12 thereof, and to answer inquiries relative thereto.

13 (8) Supplementary Appropriation Bill. Either House may consider other
14 appropriations but both Houses shall not finally act upon such appropriations until
15 after the Budget Bill has been finally acted upon by both Houses, and no such other
16 appropriation shall be valid except in accordance with the provisions following: (a)
17 Every such appropriation shall be embodied in a separate bill limited to some single
18 work, object or purpose therein stated and called herein a Supplementary
19 Appropriation Bill; (b) Each Supplementary Appropriation Bill shall provide the
20 revenue necessary to pay the appropriation thereby made by a tax, direct or indirect,
21 to be levied and collected as shall be directed in said bill; (c) No Supplementary
22 Appropriation Bill shall become a law unless it be passed in each House by a vote of a
23 majority of the whole number of the members elected, and the yeas and nays recorded
24 on its final passage; (d) Each Supplementary Appropriation Bill shall be presented to
25 the Governor of the State as provided in Section 17 of Article 2 of the Constitution and
26 thereafter all the provisions of said section shall apply.

27 (9) Nothing in this section shall be construed as preventing the General
28 Assembly from passing at any time, in accordance with the provisions of Section 28 of
29 Article 3 of the Constitution and subject to the Governor's power of approval as
30 provided in Section 17 of Article 2 of the Constitution, an appropriation bill to provide
31 for the payment of any obligation of the State within the protection of Section 10 of
32 Article 1 of the Constitution of the United States.

33 (10) If the Budget Bill shall not have been finally acted upon by the
34 Legislature seven days before the expiration of the regular session, the Governor shall
35 issue a proclamation extending the session for some further period as may, in his
36 judgment, be necessary for the passage of such bill; but no matter other than such bill
37 shall be considered during such extended session except a provision for the cost
38 thereof.

39 (11) For the purpose of making up the Budget, the Governor shall require
40 from the proper State officials (including all executive departments, all executive and
41 administrative offices, bureaus, boards, commissions and agencies that expend or

1 supervise the expenditure of, and all institutions applying, for State moneys and
2 appropriations) such itemized estimates and other information, in such form and at
3 such times as directed by the Governor. An estimate for a program required to be
4 funded by a law which will be in effect during the fiscal year covered by the Budget
5 and which was enacted before July 1 of the fiscal year prior to that date shall provide a
6 level of funding not less than that prescribed in the law. The estimates for the
7 Legislative Department, certified by the presiding officer of each House, of the
8 Judiciary, as provided by law, certified by the Chief Judge of the Court of Appeals, and
9 for the public schools, as provided by law, shall be transmitted to the Governor, in
10 such form and at such times as directed by the Governor, and shall be included in the
11 Budget without revision.

12 (12) The Governor may provide for public hearings on all estimates and may
13 require the attendance at such hearings of representatives of all agencies, and for all
14 institutions applying for State moneys. After such public hearings he may, in his
15 discretion, revise all estimates except those for the legislative and judiciary
16 departments, and for the public schools, as provided by law, and except that he may
17 not reduce an estimate for a program below a level of funding prescribed by a law
18 which will be in effect during the fiscal year covered by the Budget, and which was
19 enacted before July 1 of the fiscal year prior thereto.

20 (13) The General Assembly may, from time to time, enact such laws not
21 inconsistent with this section, as may be necessary and proper to carry out its
22 provisions.

23 (14) In the event of any inconsistency between any of the provisions of this
24 Section and any of the other provisions of the Constitution, the provisions of this
25 Section shall prevail. But nothing herein shall in any manner affect the provisions of
26 Section 34 of Article 3 of the Constitution or of any laws heretofore or hereafter passed
27 in pursuance thereof, or be construed as preventing the Governor from calling
28 extraordinary sessions of the General Assembly, as provided by Section 16 of Article 2,
29 or as preventing the General Assembly at such extraordinary [extraordinary] sessions
30 from considering any emergency appropriation or appropriations.

31 (15) If any item of any appropriation bill passed under the provisions of this
32 Section shall be held invalid upon any ground, such invalidity shall not affect the
33 legality of the bill or of any other item of such bill or bills.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
35 determines that the amendment to the Maryland Constitution proposed by this Act
36 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
37 Maryland Constitution concerning local approval of constitutional amendments do not
38 apply.

39 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
40 proposed as an amendment to the Maryland Constitution shall be submitted to the
41 qualified voters of the State at the next general election to be held in November, 2012

1 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
2 At that general election, the vote on this proposed amendment to the Constitution
3 shall be by ballot, and upon each ballot there shall be printed the words “For the
4 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
5 provided by law. Immediately after the election, all returns shall be made to the
6 Governor of the vote for and against the proposed amendment, as directed by Article
7 XIV of the Maryland Constitution, and further proceedings had in accordance with
8 Article XIV.